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Attorneys for the Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
The Honorable SALVADOR MENDOZA JR.

United States of America,

Plaintiff,

v.

James H. Gallaher,

Defendant.

No. 21-CR-088-SMJ

Sentencing Recommendation

SENTENCING RECOMMENDATION

1 Three of the guns were heirlooms and the fourth gun did not belong to James
2 Gallaher. One of the guns killed Jamie's brother in 1971. One of the guns was given to
3 Jamie's family during a give-away raising money for his cousin's death. The rifle was
4 passed down to Jamie from his family when he was 12. The last gun belonged to Trevor
5 Circle who was present during the arrest.
6

7 Jamie's father passed away in 2020. The loss of his Jamie's father was significant.
8 His father owned property and land on the Colville Reservation that was intended to be
9 split between Jamie and his siblings. His father had many heirlooms, including firearms
10 and many other items that had been passed from generation to generation, that his father
11 wanted passed to his children and grandchildren. Unfortunately, Jamie's sister moved
12 into her father's home and has been selling the property without consulting with any of
13 the other family which has caused a great deal of dissension within the family.
14

15 Jamie's sister began to sell everything. It took about 8-10 months for the estate to
16 settle and Jamie learned about his sister selling property through other people. He did
17 not want her selling the guns that his father had intended for Jamie's children to inherit
18 and so Jamie contacted a family member to try to assist in retrieving these few items so he
19 could give them to his daughter. Jamie had these guns in his possession for a limited time
20 and was taking the guns to the Honda in order to take them to his daughter Taylor.
21

22 Jamie is 63 years old. He literally hobbles everywhere he goes. He was in a very
23 serious car accident in 2017 or 2018. He broke his neck, nearly severing the nerves in his
24 SENTENCING RECOMMENDATION

1 neck and spinal cord. He was in a wheelchair for over a year after the accident. There
2 were issues with fluid going from his neck to his back and eventually he had surgery. In
3 order to address the pain, Jamie was prescribed Oxycodone and he will tell you that he
4 has remained high ever since. Jamie has been struggling with addiction since his
5 completion of supervised release. His addiction to heroin become elevated following the
6 accident and once the prescription drugs were no longer being prescribed. He used the
7 heroin to alleviate the pain from his neck and back.
8

9 There is absolutely nothing that Jamie is hiding. He admits he relapsed and has
10 been struggling. The Federal Defenders had Jamie evaluated and the evaluation indicated
11 that he needed inpatient treatment. This comes as no surprise considering that Jamie's
12 use of controlled substances has been extensive. The last time Jamie participated in
13 treatment was 2014 which was outpatient treatment on the reservation. He has not
14 participated in any treatment since. He wants treatment and hopes to receive treatment
15 as a condition of his supervised release. However, his eligibility for treatment while in
16 prison will be minimal.
17

18 He admits he possessed the guns. He entered a plea of guilty and is awaiting
19 sentencing. The government is recommending a sentence of 41 months – the high end of
20 the sentencing range. Counsel for Mr. Gallaher intends to recommend a sentence of 24
21 months. The government places most of the support for their recommendation on Mr.
22 Gallaher's criminal history. Jamie does not dispute his criminal history. He has paid for
23
24 SENTENCING RECOMMENDATION

1 what he has done. The criminal history that the government wants to revisit over and
2 over dates back to 1977. There is a reason that the guidelines have a date in which
3 convictions become too old and not countable. The Sentencing Commission spent a
4 great deal of time looking at these issues and clearly saw value in convictions becoming
5 too old to count.
6

7 The list of convictions the government sets forth in the Sentencing Memorandum
8 occurred almost 50 years ago. The only countable conviction listed is the 2009
9 Involuntary Manslaughter Conviction that was charged in 2006 and occurred in 1991 –
10 over 30 years ago.
11

12 What Jamie needs more than anything is inpatient treatment. Inpatient treatment
13 will address the first substantial issues. He needs to remain clean and figure out how to
14 address his pain without using drugs. Second, he needs assistance with his medical
15 issues. He barely walks. He is bent over hobbling when he comes into the attorney room
16 for a visit and has to use the walls in order to balance himself. The hope is that while
17 addressing his drug addiction, Jamie can meet with doctors in Spokane and begin some
18 physical therapy to help with his pain and movement. Jamie needs to find housing or
19 reside in clean and sober housing. Going back to Nespelum may not be in his best interest
20 and the hope is to help him with resources in the Spokane area to address the substance
21 abuse and medical.
22

23
24 SENTENCING RECOMMENDATION

There are options for this Court. There comes a time when sending someone to prison is not the only answer. Utilizing the resources available to us in the Eastern District of Washington provide more value with the goals that can ultimately help Jamie Gallaher accomplish – sobriety, medical care, and assisting him with reintegration into the community. There is no dispute that all of this starts with Jamie. He has to want sobriety, he has to want to take care of his body and he has to be able to put this past behind him. He is ready and is asking for a chance.

Dated: February 04, 2022

Respectfully Submitted,

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